



Entered on Docket
April 17, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING OBJECTION OF
USACM TRUST TO PROOFS OF CLAIM
FILED BY WILLIAM DANIEL CARTER,
TRUSTEE AS DUPLICATIVE AND
BASED IN PART UPON AN
INVESTMENT IN FTDF**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Objection of USACM Trust to Proofs of Claim
2 filed by William Daniel Carter, Trustee As Duplicative and Based in Part Upon an
3 Investment in FTDF (with Certificate of Service)” [Docket No. 6892] (the “Objection”);
4 with appearances as set forth in the record at the hearing noted above; appropriate notice
5 of the Objection having been given; no response to the Objection having been filed; and
6 good cause appearing:

7 **IT IS HEREBY ORDERED** that:

- 8 1. The Objection is sustained;
- 9 2. Proof of Claim No. 10725-01104 is disallowed in its entirety as against USA
10 Commercial Mortgage Company (“USACM”); on the ground it is duplicative of Claim
11 10725-01299;
- 12 3. \$75,000 of Proof of Claim No. 10725-01299 is disallowed as a claim against
13 USACM on the ground it is based upon an investment in FTDF;
- 14 4. Any proposed allowance of Claim 10725-01299 in the DTDF case is
15 disallowed; and
- 16 5. William Daniel Carter is allowed an equity interest to the extent of his
17 investment and to share in recovery on account of that claim.

18 # # #

19 DATED AND SIGNED ABOVE.

20
21 **Prepared by:**

22 **LEWIS AND ROCA LLP**

23 By /s/ JH (AZ 010824)

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LEWIS
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LLP
LAWYERS

APPROVED/DISAPPROVED

/s/

August Landis

Office of the U.S. Trustee

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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